

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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CAROLYN J. O'LEARY,  
individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

Case No. 17-C-1774

HUMANA INSURANCE COMPANY et al.,

Defendants.

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**STIPULATED NON-WAIVER ORDER  
PURSUANT TO FEDERAL RULE OF EVIDENCE 502**

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To facilitate the production of documents in this case and to reduce the burden of privilege review associated with the production of documents, the court enters the following order, which has been agreed to by the parties, pursuant to Federal Rule of Evidence 502(d):

1. The production or disclosure of material (including documents and electronically stored information) subject to a claim of attorney-client privilege or work product protection shall not constitute a waiver of the attorney-client privilege or work product protection, in this or any other proceeding, unless (a) the production or disclosure was made with the expressed intent by the producing party to waive the attorney-client privilege or work product protection or (b) the party making the production or disclosure has affirmatively used or relied on the specific material that is subject to the claim of attorney-client privilege or work product protection; and

2. When a producing party gives notice to a receiving party that a document or other material subject to a claim of privilege or other protection has been inadvertently produced, the obligations of the receiving party are those set forth in Fed. R. Civ. P. 26(b)(5)(B).

**SO ORDERED** at Green Bay, Wisconsin this 21st day of August, 2020.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge